

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

Revised

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March 23, 2004

**FROM:** GARY PENROD, Sheriff  
Sheriff's Department

**SUBJECT:** U.S. DEPARTMENT OF JUSTICE, STATE CRIMINAL ALIEN ASSISTANCE PROGRAM  
(SCAAP)

**RECOMMENDATION:**

1. Approve application to the U.S. Department of Justice, State Criminal Alien Assistance Program (SCAAP), for reimbursement of a portion of the costs to incarcerate undocumented criminal aliens.
2. Ratify action by the Chairman, authorizing the Sheriff, as the delegated official, to submit the on-line SCAAP application on March 11, 2004 to meet the filing deadline of March 15, 2004.

**BACKGROUND INFORMATION:** The U.S. Department of Justice, Bureau of Justice Assistance, is making funds available, in the amount of \$290 million, for the reimbursement of a portion of the detention costs associated with the incarceration of undocumented criminal aliens through the State Criminal Alien Assistance Program (SCAAP). SCAAP is not a traditional reimbursement program in which the program provides reimbursement of the actual cost. Instead, SCAAP combines the data received by all of the applicants, such as staff and bed counts, total inmate records, and eligible inmates, to determine each applicant's relative percentage of the total SCAAP allocation.

Filing for SCAAP reimbursement is an on-line process in which relevant inmate and facility cost data is entered. The program requires the filing be completed by the "Chief Executive Officer" of the jurisdiction or be delegated to another jurisdictional official. In prior years, the Sheriff's Department has requested Board approval for the Sheriff to be the delegated official for SCAAP filing purposes.

Due to uncertainties in federal funding and changes in the filing deadline and criteria, the Sheriff's Department did not have adequate time to seek Board of Supervisors' approval prior to the filing deadline. The County Administrative Office recommended that the Department request the Chairman of the Board to authorize the Sheriff to submit the on-line application so that the Department could meet the March 15, 2004 deadline and then submit the item to the Board for ratification. The Chairman approved the application submission on March 11, 2004 and the Department is submitting it for ratification at the next available Board date.

This will be the seventh time the County has applied for reimbursement under this program. Historically, the County's reimbursement has averaged \$1 million per year for five (5) years the County received reimbursement; however, since federal appropriations for this program were reduced by one-half for 2001-02, the reimbursement was \$547,526 the sixth year (for a total of \$5,503,482). Since the funding level for this program in 2002-03 was similar to the prior year, the Department anticipates the same approximate reimbursement amount as 2001-02.

**REVIEW AND APPROVAL BY OTHERS:** This item has been reviewed and approved as to legal form by County Counsel (Kevin L. Norris, Deputy County Counsel, 387-5441) on March 11, 2004 and by the County Administrative Office (Laurie Rozko, Administrative Analyst, 387-8997) on March 12, 2004.

**FINANCIAL IMPACT:** This program provides reimbursement for detention costs already incurred in 2002-03. No matching funds are required and no restrictions are placed on funds received. The Department requests that these funds be earmarked for one-time Sheriff's Department facility and equipment needs.

**SUPERVISORIAL DISTRICT(S):** All

**PRESENTER:** Richard Beemer, Captain, 387-3637

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Record of Action of the Board of Supervisors

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